

**ORDER TO ADOPT
TITLE 13. MOTOR VEHICLES
ARTICLE 4.8. Mature Driver Improvement Course Approval Program**

§346.00. Mature Driver Improvement Course.

(a) Any person age 55 or older may qualify for reduced premium rates for motor vehicle liability insurance as provided under section 11628.3 of the California Insurance Code by completing an initial mature driver improvement course approved by the department.

(1) A completed Mature Driver Improvement Course Certificate form, OL 1001 (Rev. 11/2007) shall serve as proof of course completion. The Mature Driver Improvement Course Certificate form, OL 1001 (Rev. 11/2007), is hereby incorporated by reference.

(b) To maintain eligibility for reduced motor vehicle liability insurance a person shall comply with Vehicle Code section 1675(d) and (e).

(1) If more than one year has elapsed since the expiration date of the certificate, a person must comply with the requirements of paragraph (a) of this section.

(c) Course instruction may be obtained in a classroom or non-classroom setting.

NOTE: Authority cited: Sections 1651, 1675 and 1676, Vehicle Code. Reference: Sections 1652, 1675 and 1676, Vehicle Code; and Section 11628.3, Insurance Code.

§346.02. Requirements for Course Approval to Provide a Mature Driver Improvement Course.

(a) Any individual, partnership, corporation, association, or public school may apply for approval of an initial and renewal mature driver improvement course by submitting the following to the department at the address listed on the application form.

(1) An Application for Approval of Mature Driver Improvement Course form, OL 1002 (Rev. 1/2007). This form is hereby incorporated by reference.

(A) The applicant shall sign a perjury statement pursuant to Code of Civil Procedure section 2015.5, and certify that the curriculum provided in the course complies with the

requirements of Vehicle Code section 1675, and Sections 346.04 and 346.06 of this article.

1. The application shall be signed by: the individual (if applicant is an individual); a partner (if applicant is a partnership); principal officer (if applicant is a corporation); or the administrator-in-charge (if applicant is an association or public school).

(2) A copy of the proposed course curriculum, as described in Sections 346.04 and 346.06 of this article, with each application.

(3) A five hundred dollar (\$500) non-refundable application fee.

(b) Providers with approved initial courses are not required to submit a new application.

(c) Approval of an application for course approval constitutes approval of both the initial course and the renewal course pursuant to Vehicle Code section 1675(a).

(d) A letter of course approval with the date of approval and the course provider identification number shall be sent to the applicant if the application is approved.

(e) If the application is disapproved, the applicant will be notified in writing indicating the reason for disapproval.

(f) The course provider shall submit a copy of the curriculum currently in use to the department upon request for purposes of compliance, investigation or conducting audit reviews.

(g) Any proposed changes or alterations to the course, time schedule, or any changes to the curriculum shall be submitted to the department at least 10 days before offering the modified course; the changes shall comply with Section 346.04 of these regulations.

(h) Any course provider who fails to comply with Vehicle Code sections 1675, 1676, and 1677, or these regulations shall have course approval withdrawn by the department.

(1) Upon notice of course approval having been withdrawn, a course provider shall immediately surrender all records as defined in Section 346.16 of these regulations, and refrain from conducting the course.

NOTE: Authority cited: Sections 1651, 1675, 1676 and 1677, Vehicle Code. Reference: Sections 1652, 1675, 1676 and 1677, Vehicle Code; and Section 2015.5, Code of Civil Procedure.

§346.04. Mature Driver Improvement Course Requirements.

(a) The curriculum for classroom and non-classroom mature driver improvement courses shall comply with the department's Mature Driver Improvement Course Guidelines, OL 1008 (Rev. 10/2006), which is hereby incorporated by reference, and with the following:

(1) The curriculum shall contain comprehensive lesson plans.

(A) The lesson plans shall allow all participants to view material, followed by examples, diagrams or other visual aids to reinforce understanding of the material.

(B) Non-classroom courses shall include the provider's procedure to ensure a completion certificate is issued only to a participant who has completed the course.

(C) Online courses shall include security measures to ensure each participant's personal information is secure.

(2) The curriculum shall cover all topics in Section 346.06 of these regulations and Vehicle Code section 1675 in detail sufficient for the department to evaluate and establish that the curriculum content is consistent with the department lesson plan and instruction time frame in the following areas:

(A) The method(s) of presentation of the material.

(B) The specific information that will be presented under each topic heading.

(C) Whether the information presented is current and accurate.

(3) The curriculum shall provide statistical data regarding the relationship between aging and driving performance. Data discussed shall include, but is not limited to, information on accidents, convictions, and physical or physiologic changes associated with the aging process.

(4) The provider shall update the curriculum to reflect any changes which affect the accuracy of the curriculum such as changes in law and motor vehicle technology.

(5) The curriculum shall not be combined with any other driver education curriculum.

(b) The classroom course shall:

(1) Provide for at least 400 minutes of instruction for the initial course and 240 minutes of instruction for the renewal course, not including registration time, breaks, lunch periods, and issuance of completion certificates.

(2) Provide audio visual aids to demonstrate and supplement lecture materials.

(c) The initial course and the renewal course shall not be combined and conducted simultaneously. Each course shall be conducted independently of the other.

(d) The classroom course curriculum shall contain a course time schedule that includes and specifies:

(1) The time allotted for lunch and/or break periods.

(2) The approximate time allotted for each mandatory topic area.

(3) Group participation. Participation may include, but is not limited to, questions and answers, pre-and post-knowledge tests, and group discussions.

(4) Not less than 40 minutes and not more than 100 minutes of audio visual materials during the 400 minute course, or not less than 30 minutes and not more than 60 minutes of audio visual materials during the 240 minute course that is appropriate to the course topic and lecture material, and is clearly identified with a brief description of the content in the curriculum.

(e) The classroom and non-classroom course curriculum shall include:

(1) Samples, if applicable, of any handout material for evaluation.

(2) A sample of the course evaluation form with the lesson plan. Completion of the evaluation shall not exceed 15 minutes in a classroom setting.

(f) The department must be provided with access to an online course at all times for continued monitoring of course content, except during brief times when technological maintenance is underway.

(g) Online course curriculum shall:

(1) Contain the school name, course provider department-issued identification number, school address and telephone number on each page of the curriculum as a header or a footer.

(2) Each course provider is required to provide each participant with the department's approved disclaimer at the beginning of the course material, which in part, will state the course provider is not affiliated with department and that the department shall not be responsible for distributed material or advertisements. The disclaimer shall be titled DEPARTMENT OF MOTOR VEHICLES LEGAL NOTICE AND DISCLAIMER, and shall read as follows:

“The Department of Motor Vehicles (DMV) recognizes private enterprise’s right to advertise and distribute information related to their business functions. DMV promotes the free exchange of information, ideas, and opinions, except when the content may invade personal privacy, violate property rights, constitute libel, or be a violation of any applicable federal, state, or local laws.

While this lesson plan content may have been approved by DMV, the distribution, advertising and other information provided by this vendor is not guaranteed by DMV, nor does it represent the views of the department. You are advised that DMV, unless statutorily required, has no continuing obligation to provide information to this web site or printed publication.

DMV assumes no responsibility for erroneous, incomplete or out-of-date information. The participant should contact the provider and/or DMV to ensure that the information herein is current and accurate. All warranties of any kind, including but not limited to the IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, freedom from contamination by computer viruses and non-infringement of proprietary rights ARE DISCLAIMED.

You are advised that DMV is not responsible for the content of any off-site pages referenced from or to this web site or home-study publication. In addition, DMV and the State of California are not responsible for the content of files that are uploaded for inclusion. The participant should not rely on the presentation of statutes or regulations referenced in this web site, but should consult the actual text of the law. Legal requirements frequently change and the participant may wish to seek the advice of counsel.

If you find any errors, omissions or have a complaint regarding the course content, we encourage you to report them to the course provider. In the event the

issue is not resolved to your satisfaction you may report your concerns to the department by calling (916) 229-3154.”

NOTE: Authority cited: Sections 1651, 1675 and 1677, Vehicle Code. Reference: Sections 1652, 1675 and 1676, Vehicle Code.

§346.06. Curriculum Content Requirements.

(a) The following topics associated with aging shall be included in every mature driver improvement course curriculum:

- (1) Visual Limitations
- (2) Hearing Limitations
- (3) Physical/Physiologic Changes
- (4) Requirements to Issue and Refuse a License, and Reexamination of Licensed Driver
- (5) Effects of Medication on Driving Performance
- (6) Effect of Alcohol on Driving Performance
- (7) Updates on the Rules of the Road (including Safety Equipment)
- (8) Driving Demands in Specific Situations
- (9) Basic Defensive Driving Tactics
- (10) Planning Travel Time and Routes of Travel (including Fatigue)
- (11) Hazardous Conditions

(b) Each course must provide instruction on one of the following elective topics:

- (1) Recreational Vehicle Safety;
- (2) Deciding When To Stop Driving; or
- (3) Local Weather and Traffic Conditions Affecting Driving Performance.

NOTE: Authority cited: Sections 1651 and 1675, Vehicle Code. Reference: Section 1675, Vehicle Code.

§346.08. Advertising Mature Driver Improvement Courses.

(a) Any advertising of a mature driver improvement course that indicates the class fee shall give the total cost of the course, including the cost of the completion certificate pursuant to Section 346.14(c) of this article and Vehicle Code section 1676(c).

(b) Any advertising of a mature driver improvement course shall contain the course provider's business name and course provider department-issued identification number.

(c) Advertising shall not guarantee a reduction of insurance premiums.

(d) Advertising shall not indicate the course provider is licensed by the department.

(1) Advertising may indicate that the course provider is offering a course approved by the department.

NOTE: Authority cited: Sections 1651, 1675 and 1677, Vehicle Code. Reference: Sections 1675, 1676 and 1677, Vehicle Code.

§346.10. Course Provider Changes.

(a) A mature driver improvement course provider shall notify the department within 10 days of any change to the information that is required to be listed on the Application for Approval of Mature Driver Improvement Course form, OL 1002 (Rev. 1/2007), including:

(1) Business name, business address, and telephone number.

(2) Individual, partner, corporation, or association.

(3) Manager's and/or administrator's name, residence address and telephone number.

(b) Course providers with an approved initial and renewal course curriculum who are electing to provide renewal courses shall notify the department 10 business days prior to the first renewal course offered.

(1) Notification shall include a copy of the renewal course curriculum.

(c) Any changes shall be reported to the department on the provider's business letterhead and shall include the provider's department-issued identification number.

(d) The provider shall submit any additional documentation as required by the department to record the change.

NOTE: Authority cited: Sections 1651 and 1675, Vehicle Code. Reference: Sections 1652 and 1675, Vehicle Code.

§346.12. Mature Driver Improvement Course Certificates.

(a) When the course provider determines that a participant has successfully completed the course, the provider shall issue the participant a Mature Driver Improvement Course Certificate, OL 1001, (Rev. 11/2007).

(b) The completion certificate shall be prepared in duplicate form for disposition as follows:

(1) The original shall be issued to the participant.

(2) The copy shall be retained in the course provider's business records.

(c) No person shall copy or in any way reproduce any Mature Driver Improvement Course Certificate, OL 1001, (Rev. 11/2007), in such a manner that it could be mistaken for an original or valid certificate.

(d) If a participant's completion certificate is lost or destroyed, the course provider shall issue a duplicate certificate upon request by the participant. A duplicate certificate shall be issued only by the course provider that issued the original certificate.

(1) The course provider may charge the participant a maximum fee of one dollar (\$1) for a duplicate certificate.

(2) Prior to issuing a duplicate certificate, the course provider shall verify the participant completed the course.

(3) The course provider shall indicate the certificate is a duplicate by checking the Duplicate box on the certificate.

NOTE: Authority cited: Sections 1651 and 1675, Vehicle Code. Reference: Sections 1652, 1675 and 1676, Vehicle Code.

§346.14. Provider: Fees, Receipts, and Purchasing Of Completion Certificate Forms.

(a) The department will issue Mature Driver Improvement Course Certificate forms, OL 1001 (Rev. 11/2007), in multiples of 100 only to course providers with approved courses.

(b) Certificate forms shall be ordered on a Mature Driver Improvement Course Certificate, OL 1001, Order Form, OL 1005 (Rev. 2/2007), which is hereby incorporated by reference.

(c) The department shall charge a fee of one dollar per completion certificate issued to the course provider.

(d) Completion certificates may be purchased by an individual, partner, principal corporate officer, manager or administrator affiliated with the course provider.

(e) Completion certificates purchased by a course provider from the department shall be used exclusively by the purchasing course provider and shall not be sold or transferred to any other entity.

(f) The provider shall store unused completion certificates forms in a secure location.

(g) A course provider shall issue a receipt to each participant when payment is made in cash for the course. The participant's copy of the completion certificate may be used in lieu of a receipt provided the certificate is issued the same day the fee is paid. The receipt shall contain the following information:

(1) Amount paid by the participant for the course including any fee charged for the certificate.

(2) Name and driver license number of the participant.

(3) Business name, address, and phone number of the course provider, and the course provider's identification number.

NOTE: Authority cited: Sections 1651, 1675, 1676 and 1677, Vehicle Code. Reference: Sections 470, 1652, 1675, 1676, and 1677, Vehicle Code.

§346.16. Course Provider Records.

(a) Each mature driver improvement course provider shall maintain records, including a record of every course conducted.

(1) The following records shall be retained for the duration of initial and renewal courses offered by the provider and for three years thereafter:

(A) A copy of the approved Application for Approval of Mature Driver Improvement Course, OL 1002 (Rev. 1/2007).

(B) The course provider business name and provider identification number.

(2) The following records shall be retained for a minimum of three years and shall include, but not be limited to:

(A) The true, full name and driver license number of each participant.

(B) Whether each participant completed the course.

(C) The certificate identification number for each certificate issued to each participant.

(D) The county where the course was held.

(E) The beginning and ending dates of the course.

(F) Records of each completion certificate form purchased, issued, voided, lost, or destroyed.

1. Voided completion certificate forms shall be marked "Void" on both copies and retained.

(G) Whether the initial or renewal course was completed by the participant.

(b) All records related to a participant shall be considered and treated as confidential.

(c) Whenever a course provider goes out of business, has course approval withdrawn, or discontinues offering mature driver improvement courses, the provider must notify the department immediately and shall submit all records in subsections (a)(1) and (a)(2), along with any unused completion certificates to the department.

(1) The provider may provide copies of records instead of originals to the department.

(2) A course provider who goes out of business, has course approval withdrawn, or discontinues offering mature driver improvement courses, may request a refund for unused completion certificates.

NOTE: Authority cited: Sections 1651 and 1675, Vehicle Code. Reference: Sections 1675 and 1677, Vehicle Code.